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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,625	01/22/2004	Meng-An Pan	58268.00350	3541
32294	7590	10/30/2006	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			NGUYEN, TUAN HOANG	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/761,625	PAN ET AL.	
	Examiner Tuan H. Nguyen	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 October 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Pehlke et al. (US PUB. 2002/0136325 hereinafter, "Pehlke").

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1- 5, 8-12, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Pehlke et al. (US PUB. 2002/0136325 hereinafter, "Pehlke").

Consider claims 1 and 8, Pehlke teaches receiving an instruction to adjust the output power of power amplifier (see fig. 4 page 5 [0051]); powering on or off at least one branch of the power amplifier according to the received instruction to enable a logarithmic change in output power of the amplifier (see figs. 3 and 4 page 2 [0025] and

page 5 [0051]); and amplifying a signal according to the adjusted output power (see fig. 4 page 5 [0051]).

Consider claim 2, Pehlke further teaches transmitting the amplified signal (page 6 [0064]).

Consider claims 3 and 10, Pehlke further teaches the instruction specifies a percentage change in power (page 6 [0066]).

Consider claims 4 and 11, Pehlke further teaches the instruction specifies a dB change in power (page 1 [0007]).

Consider claims 5, Pehlke further teaches the powering on or off a branch of the power amplifier linearly in dB changes the output power of the amplifier (page 6 [0064]).

Consider claim 9, Pehlke teaches a receiving engine capable of receiving an instruction to adjust the output power of power amplifier (see fig. 4 page 5 [0051]); and a determining engine, communicatively coupled to the receiving engine, capable of determining how many branches of a power amplifier to power on or off according to the received instruction to enable a logarithmic change in output power (see figs. 3 and 4 page 2 [0025] and page 5 [0051]); and a power amplifier engine, communicatively

coupled to the determining engine and the power amplifier, capable of transmitting the determination to the power amplifier (see fig. 4 page 5 [0051]).

Consider claim 12, Pehlke further teaches the powering on or off a branch of the power amplifier linearly in dB changes the output power of the amplifier (page 6 [0064]).

Consider claim 15, Pehlke teaches a power amplifier, comprising: a plurality of branches for controlling transistors (see fig. 2B page 2 [0022]); and a plurality of transistors, each transistor being communicatively coupled to a branch of the plurality of branches (see fig. 4 page 4 [0041]), wherein the transistors are arranged in a logarithmic scale, thereby enabling a logarithmic change in output power with the powering on or off of a transistor (see figs. 3 and 4 page 2 [0025] and page 5 [0051]).

Consider claim 16, Pehlke further teaches the powering on or off a branch of the power amplifier linearly in dB changes the output power of the amplifier (page 6 [0064]).

Consider claim 17, Pehlke further teaches a transmitter comprising a power amplifier (col. 15 lines 11-14) (page 6 [0061]).

Art Unit: 2618

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-7 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pehlke et al. (US PUB. 2002/0136325 hereinafter, "Pehlke") in view of Eidson et al. (U.S PAT. 6,255,906 hereinafter "Eidson").

Consider claims 6 and 13, Pehlke teaches receiving an instruction to adjust the output power of power amplifier; powering on or off at least one branch of the power amplifier according to the received instruction to enable a logarithmic change in output power of the amplifier; and amplifying a signal according to the adjusted output power.

Pehlke does not explicitly show that thermometer coded power control words are used to power on and off branches of the amplifier.

In the same field of endeavor, Eidson teaches thermometer coded power control words are used to power on and off branches of the amplifier (col. 5 lines 27-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, thermometer coded power control words are used to power on and off branches of the amplifier, as taught by Eidson, in order to provide the power amplifier is operated as a completely digital device with a certain degree of digital pre-distortion compensation.

Consider claims 7 and 14, Eidson further teaches the thermometer coded power control words ensure monotonic power control (col. 5 lines 31-34).

***Conclusion***

6. Any response to this action should be mailed to:

Mail Stop \_\_\_\_\_ (Explanation, e.g., Amendment or After-final, etc.)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen  
Examiner  
Art Unit 2618

 10/20/06  
QUOCHIEN B. VUONG  
PRIMARY EXAMINER